

Calendar No. 542

109TH CONGRESS
2D SESSION**S. 997****[Report No. 109-299]**

To direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge Forest, Montana, to Jefferson County, Montana, for use as a cemetery.

IN THE SENATE OF THE UNITED STATES

MAY 11, 2005

Mr. BURNS introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

JULY 31, 2006

Reported by Mr. DOMENICI, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge Forest, Montana, to Jefferson County, Montana, for use as a cemetery.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Montana Cemetery Act
3 of 2005”.

4 **SEC. 2. CONVEYANCE TO JEFFERSON COUNTY, MONTANA.**

5 (a) CONVEYANCE.—Not later than 180 days after the
6 date of enactment of this Act and subject to valid existing
7 rights, the Secretary of Agriculture (referred to in this Act
8 as the “Secretary”), acting through the Chief of the For-
9 est Service, shall convey to Jefferson County, Montana,
10 for no consideration, all right, title, and interest of the
11 United States in and to the parcel of land described in
12 subsection (b).

13 (b) DESCRIPTION OF LAND.—The parcel of land re-
14 ferred to in subsection (a) is the parcel of National Forest
15 System land (including any improvements on the land)
16 known as the Elkhorn Cemetery, which consists of 10
17 acres in Jefferson County located in SW1/4 Sec. 14, T.
18 6 N., R. 3 W.

19 (c) ADDITIONAL TERMS AND CONDITIONS.—The
20 Secretary may require such additional terms and condi-
21 tions for the conveyance under subsection (a) as the Sec-
22 retary considers appropriate to protect the interests of the
23 United States.

24 **SECTION 1. SHORT TITLE.**

25 *This Act may be cited as the “Montana Cemetery Act*
26 *of 2006”.*

1 **SEC. 2. DEFINITIONS.**

2 *In this Act:*

3 (1) *COUNTY.*—*The term “County” means Jeffer-*
 4 *son County, Montana.*

5 (2) *MAP.*—*The term “map” means the map that*
 6 *is—*

7 (A) *entitled “Elkhorn Cemetery”;*

8 (B) *dated May 9, 2005; and*

9 (C) *on file in the office of the Beaverhead-*
 10 *Deerlodge National Forest Supervisor.*

11 (3) *SECRETARY.*—*The term “Secretary” means*
 12 *the Secretary of Agriculture.*

13 **SEC. 3. CONVEYANCE TO JEFFERSON COUNTY, MONTANA.**

14 (a) *CONVEYANCE.*—*Not later than 180 days after the*
 15 *date of enactment of this Act and subject to valid existing*
 16 *rights, the Secretary (acting through the Regional Forester,*
 17 *Northern Region, Missoula, Montana) shall convey by quit-*
 18 *claim deed to the County for no consideration, all right,*
 19 *title, and interest of the United States, except as provided*
 20 *in subsection (e), in and to the parcel of land described in*
 21 *subsection (b).*

22 (b) *DESCRIPTION OF LAND.*—*The parcel of land re-*
 23 *ferred to in subsection (a) is the parcel of approximately*
 24 *9.67 acres of National Forest System land (including any*
 25 *improvements to the land) in the County that is known as*
 26 *the “Elkhorn Cemetery”, as generally depicted on the map.*

1 (c) *USE OF LAND.*—As a condition of the conveyance
2 under subsection (a), the County shall—

3 (1) *use the land described in subsection (b) as a*
4 *County cemetery; and*

5 (2) *agree to manage the cemetery with due con-*
6 *sideration and protection for the historic and cultural*
7 *values of the cemetery, under such terms and condi-*
8 *tions as are agreed to by the Secretary and the Coun-*
9 *ty.*

10 (d) *EASEMENT.*—In conveying the land to the County
11 under subsection (a), the Secretary, in accordance with ap-
12 plicable law, shall grant to the County an easement across
13 certain National Forest System land, as generally depicted
14 on the map, to provide access to the land conveyed under
15 that subsection.

16 (e) *REVERSION.*—In the quitclaim deed to the County,
17 the Secretary shall provide that the land conveyed to the
18 County under subsection (a) shall revert to the Secretary,
19 at the election of the Secretary, if the land is—

20 (1) *used for a purpose other than the purposes*
21 *described in subsection (c)(1); or*

22 (2) *managed by the County in a manner that is*
23 *inconsistent with subsection (c)(2).*

Amend the title so as to read: “To direct the Sec-
retary of Agriculture to convey certain land in the Bea-

verhead-Deerlodge National Forest, Montana, to Jefferson County, Montana, for use as a cemetery.”.

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